

**In the  
Indiana Supreme Court**

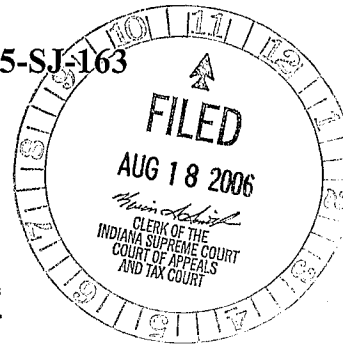
STATE OF INDIANA

vs.

DAVID T. SHOLES

) Supreme Court No. 85S00-0605-SJ-163  
)  
)  
)

) Case No. 85C01-9608-CF-47  
) in the Wabash Circuit Court



**ORDER REMANDING JURISDICTION TO TRIAL COURT**

Comes now the Hon. Robert R. McCallen, III, Judge of the Wabash Circuit Court, and pursuant to Ind. Criminal Rule 13(D), certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Wabash Circuit Court and Special Judge Thomas M. Hakes. The Chronological Case Summary shows that Judge Hakes was selected pursuant to local rule to serve as special judge in this matter. Judge Hakes declined citing the District 3 Caseload Distribution Rule. Said rule is not applicable to cases under Ind. Criminal Rule 13 and Judge Hakes' selection by the clerk was appropriate.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Wabash Circuit Court and Special Judge Hakes.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Robert R. McCallen, III, Wabash Circuit Court, 49 West Hill Street, Wabash, IN 46992-3151; to the Hon. Thomas M. Hakes, Huntington Circuit Court, 201 North Jefferson Street, #301, Huntington, IN 46750-2800 to the Clerk of the Wabash Circuit Court; and to post this Order on the Court's website for judicial orders concerning special judges.

The Clerk of the Wabash Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 18<sup>th</sup> day of August, 2006.

Randall T. Shepard  
Chief Justice of Indiana